

# Securities Litigation and Enforcement

## Capabilities at a glance

- **Long history of successfully defending broker-dealers, funds, investment advisors, corporations, and other investment entities and individuals** against regulatory investigations and enforcement actions before the SEC, FINRA and state securities regulators.
- **Proven track record of effectively defending securities lawsuits in state and federal court** and arbitration forums throughout the country.
- **Work seamlessly with our fellow attorneys who specialize in transactional and compliance securities matters to fashion preventative measures** that help reduce our clients' litigation risk. For example, our litigators analyze compliance policies and procedures, review due diligence procedures and questionnaires, and consult as particular matters arise on deals — all to better identify and insulate our clients from potential enforcement and litigation risk.

## We understand the outcome is what matters

When faced with a securities investigation, enforcement action, lawsuit, or arbitration, our clients first and foremost need a law firm that can help them win. Our Securities Litigation team has a proven track record of success in successfully defending against regulatory investigations and enforcement actions, as well as securities lawsuits in state and federal court and arbitration forums throughout the country. Our efforts have consistently resulted in dismissals of securities lawsuits, complete defense verdicts, and regulators abandoning their attempts to charge our clients with securities violations.

## Delivering positive results quickly and cost effectively

We have a deep appreciation for the notion that our clients would rather not spend their time and capital fighting with securities regulators or defending against securities lawsuits. We therefore seek not only to prevail against adverse securities actions, but to do so as quickly and efficiently as possible. Given our extensive experience with securities investigations, lawsuits, and arbitrations, we are also well positioned to enter into alternative fee arrangements with our clients, which not only ensures that our clients will be well-protected by our Securities Litigation Team, but also provides our clients with budgeting certainty.

## Practice Contact

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## People

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## Experience

Lauren Zenk

- Defending clients against customer complaints brought in FINRA and other arbitration forums;
- Defending and prosecuting industry disputes involving claims of raiding, misappropriation of trade secrets, violations of non-compete and non-solicit agreements, and defamatory regulatory reporting;
- Defending against regulatory investigations and enforcement actions brought by the SEC, FINRA, and state securities regulators;
- Defending clients against class-action lawsuits involving claims over securities fraud, proxy disclosures, and diminution in stock value;
- Representing clients in lawsuits over shareholder rights and corporate control;
- Representing clients against direct and derivative claims over securities fraud and state and federal laws governing the securities industry;
- Representing clients in a high volume of FINRA expungement actions.

## Successes

- Obtaining a complete defense award in a FINRA arbitration seeking 7 figure damages for alleged misrepresentations made concerning an investment;
- Obtaining multiple temporary restraining orders prohibiting clients' former representatives from soliciting their former customers;
- Obtaining a favorable resolution of a multi-year securities investigation brought by the SEC and multiple states securities agencies;
- Dismissing a shareholder class action lawsuit seeking to enjoin a merger and obtaining sanctions against the plaintiffs;
- Obtaining a no action letter on a client's behalf who was the subject of a multi-year SEC investigation;
- Dismissing a Section 10b-5 and securities fraud lawsuit brought against a fund over an investment that lost all value;
- Obtaining a complete defense award in arbitration brought by a customer alleging securities fraud, unsuitability, and negligent supervision;
- Implementing a system to efficiently process and defend against a high volume of FINRA expungement actions for a number of national investment firms;
- Successfully resolving a FINRA investigation of a broker-dealer client concerning representations made in offering documents;





- Implementing a system to efficiently process and defend against a high volume of FINRA expungement actions for a number of national investment firm;
- Defense of national retail chain in nationwide class action lawsuits alleging federal and state securities fraud claims;
- Defense of major savings and loan institution in nationwide class action alleging federal securities law violations;
- Defense of high-technology company and its officers in nationwide class action alleging federal securities law violations;
- Defense of national banking institution in nationwide class action alleging federal securities law violations;
- Defense of Arizona-chartered trust company and its officers in multiple lawsuits alleging violations of federal and state securities laws;
- Defense of corporate officer of national bank in nationwide class action alleging violations of federal securities laws;
- Defense of officers of national retail chain in shareholder derivative action filed in conjunction with a nationwide class action alleging federal securities fraud;
- Defense of public company in private arbitration with major shareholders alleging violation of registration rights agreements;
- Representation of CEO of public company in SEC civil enforcement proceedings;
- Representation of audit firm partners in SEC investigation related to financial failure of audit firm's client;
- Representation of corporate officers in SEC investigation into possible insider trading activity; and
- Representation of airline and its CEO in SEC investigation of possible federal securities law violations.

